

## UNITED STATES DISTRICT COURT

for the

Southern District of Georgia

Statesboro Division

2008 JUN 23 PM 12:21

United States of America )

v. )

Jelani Brown )

Date of Previous Judgment: March 2, 2005 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: CR604-00010-005USM No: 11987-021

Sidney B. Shepherd

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 96 months is reduced to 87 months.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31Amended Offense Level: 29Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 108 to 135 monthsAmended Guideline Range: 87 to 108 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): The Court departed below the applicable imprisonment range at the time of the original sentencing; however, since the lower end of the new advisory guideline range is 87 months, the Court will not depart below that sentence because the Court contends a sentence of 87 months adequately addresses the sentencing factors addressed at 18 U.S.C. § 3553(a).


## III. ADDITIONAL COMMENTS

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "Time Served" sentence.

Except as provided above, all provisions of the judgment dated March 2, 2005, shall remain in effect.

IT IS SO ORDERED.

Order Date: June 23, 2008

  
Judge's Signature

Effective Date: \_\_\_\_\_  
(if different from order date)

B. Avant Edenfield  
United States District Judge  
For the Southern District of Georgia  
Printed name and title